

REMARKS

The applicant has carefully considered the official action dated March 11, 2005, and the references it cites. In the official action, claims 54, 55, and 57-60 were rejected under 35 U.S.C. 101 as directed to non-statutory subject matter; claims 38, 39, 42-47, 50-55, 58-75, 77, 81-85, 88-94, 97, 98, 101, 103-105, 109, 111-113, 116, and 117 were rejected under 35 U.S.C. 102(b) as anticipated by Bradlee (4,794,773); and claims 76, 78-80, 86, 95, 96, 99, 100, 102, 106-108, 110, 114, and 115 were rejected under 35 U.S.C. 103(a) as unpatentable over Bradlee. In addition, the official action indicated that claims 41 and 49 would be allowable if rewritten in independent form. In view of the foregoing amendments and the following remarks, the applicant respectfully traverses the rejections.

By way of this response, paragraph [0099] has been amended to correct a minor typographical error and claims 38, 39, 43, 46, 47, 51, 54, 55, 61, 65, 66, 69, 74, 77, 78, 80, 85, 86, 92, 98, 101-104, 108, 109, and 113-117 have been amended. No new matter has been added. Accordingly, claims 38-39, 41-47, 49-55, 57-86, and 88-117 are pending and at issue in this application, of which claims 38, 46, 54, 61, 72, 77, 85, 92, 101, 109, and 113 are independent. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

The applicant respectfully submits that claims 54, 55, and 57-60 are directed to statutory subject matter. Specifically, claims 54, 55, and 57-60 recite a machine accessible medium having instructions stored thereon. The MPEP states:

“... a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” See MPEP § 2106, IV.B.1(a) (emphasis added).

The machine accessible medium recited in claims 54, 55, and 57-60 is statutory subject matter because instructions stored on the machine accessible medium constitute a data structure in accordance with the statutory subject matter requirement under 35 U.S.C. § 101. Accordingly, the applicant respectfully requests withdrawal of the rejection of claims 54, 55, and 57-60 as non-statutory.

Now turning to the art rejections, the applicant respectfully submits that independent claim 38, as amended, is allowable over the art of record. Specifically, none of the art of record describes determining a deviation value associated with a condition of a material. Bradlee describes determining a radius of curvature of a sheet material that is subsequently used to reduce camber in the sheet material. However, determining the radius of curvature as described in Bradlee does not constitute determining a deviation value as recited in claim 38, and any assertion that Bradlee describes determining a deviation value is completely unfounded. Instead, Bradlee discloses determining a radius of the curvature of a sheet material that is indicative of the existence of camber in the sheet material and which is used to reduce or compensate for the camber. The radius of curvature is not a deviation value because it is not determined relative to any other radius of curvature. Although the applicant does not concede that Bradlee describes determining a deviation value, even if one were to suggest that determining the radius of curvature as described in Bradlee constitutes determining a deviation value between the radius of curvature of the sheet material and a

radius of curvature of a straight line, such an assertion would be fundamentally flawed in light of the fact that the radius of curvature of a straight line is equal to infinity. In other words, the radius of curvature described by Bradlee does not constitute a deviation value determined relative to infinity. Accordingly, the applicant respectfully submits that independent claim 38 and claims 39 and 41-45 dependent thereon are in condition for allowance.

Independent claims 46, 54, 61, 77, 85, 101, and 113, as amended, are also allowable over the art of record for at least the reasons described above in connection with claim 38. Accordingly, the applicant respectfully submits that independent claims 46, 54, 61, 77, 85, 101, and 113 and all claims dependent thereon are in condition for allowance.

Independent claim 72 is allowable over the art of record. Specifically, none of the art of record teach or suggest a sensor that detects a distance to a surface of a moving material as recited in claim 72. Bradlee describes sensors having wheels (36, 38) engaging a surface of a sheet material and connected to pulse generators (40, 42) and configured to measure the length of sheet material as the wheels (36, 38) ride on the surface of the sheet material. Measuring a length of the sheet material does not constitute measuring a distance to a surface of the sheet material as recited in claim 72. Further, the official action offers no evidence whatsoever of any art teaching or suggesting a sensor that detects a distance to a surface of a moving material. Thus, the official action has failed to correctly show how the art of record anticipates each and every element recited in claim 72 as is required to make a *prima facie* rejection under 35 U.S.C. § 102(b). See generally MPEP §2131, Edition 8, Rev. 2. If the examiner wishes to maintain the rejection of claim 72, the applicant respectfully requests that the examiner provide at least some evidence that Bradlee or any other art of record discloses

a sensor that detects a distance to a surface of a moving material and anticipates each and every element recited in claim 72. The applicant respectfully submits that independent claim 72 and claims 73-76 dependent thereon are in condition for allowance.

Independent claim 92, as amended, is also allowable over the art of record for at least the reasons set forth above in connection with claim 72. Accordingly, the applicant respectfully submits that independent claim 92 and claims 93-100 dependent thereon are in condition for allowance.

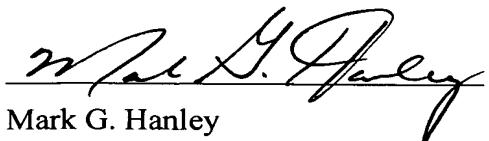
Independent claim 109 is also allowable over the art of record. Specifically, none of the art of record teaches or suggests obtaining a first plurality of sensor readings associated with a first plurality of values, some of which deviate from one another; obtaining a second plurality of sensor readings associated with a second plurality of values; determining first and second values based on the first and second plurality of sensor readings, respectively; and adjusting a load to a second zone of a material based on a comparison of the first and second values. Although Bradlee teaches a computer that monitors pulses output by pulse generators (col. 5, lines 56-62), the pulses do not deviate from one another as recited in independent claim 109. Accordingly, the applicant respectfully submits that independent claim 109 and claims 110-112 dependent thereon are in condition for allowance.

In view of the foregoing, the applicant respectfully requests reconsideration of this application. If there are any remaining matters that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

PATENT
Attorney Docket No. 20015/10003

Respectfully submitted,

Dated: June 13, 2005



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